IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

OP.No. 8287 of 1999(T)

PETITIONER:

O.M.VARGHESE,
S/O.SRI. O.J.MATHAI,
AGED 43 YEARS, BRANCH MANAGER,
SOUTH MALABAR GRAMIN BANK, NADAVAYAL P.O.,
SULTHAN'S BATHERY TALUK, WYANAD DISTRICT.

BY ADV. SRI.PHILIP MATHEW

RESPONDENTS:
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1. **SOUTH MALABAR GRAMIN BANK,**
REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE, MALAPPURAM.

2. **STAFF SELECTION COMMITTEE,**
REPRESENTED BY THE CHAIRMAN, SOUTH MALABAR
GRAMIN BANK, HEAD OFFICE, MALAPPURAM.

BY ADV. SRI.T.R.RAVI
SRI.P.S.BIJU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.13844/1999 IN O.P.NO.8287/1999 J

DISMISSED

24/07/2007 **SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF REGIONAL RURAL BANKS (APPOINTMENT & PROMOTION OF OFFICERS AND OTHER EMPLOYEES) RULES, 1988.**

EXT.P2: **COPY OF REPRESENTATION DTD. 20/02/1999 FILED BY THE PETITIONER BEFORE THE CHAIRMAN OF THE BOARD OF DIRECTORS, SOUTH MALABAR GRAMIN BANK.**

EXT.P3: **COPY OF CALL LETTER REF.NO.9/SMGB/PRMTN/105/99/PAD DTD. 13/01/1999 OF THE 1ST RESPONDENT.**

EXT.P4: **COPY OF THE PERFORMANCE APPRAISALS OF THE PETITIONER MAINTAINED BY THE PERSONNEL ADMINISTRATION DEPARTMENT OF THE RESPONDENT BANK.**

EXT.P5: **COPY OF MEMO NO.11/99 DTD. 3/02/1999 PUBLISHED A LIST OF THE OFFICERS PROMOTED WITH EFFECT FROM 2/2/99 FROM SCALE I GRADE TO SCALE II GRADE.**

/TRUE COPY/

P.A.TO JUDGE

KSS

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.8287 OF 1999

Dated this the 24th day of July, 2007

JUDGMENT

The writ petitioner seeks a direction to the respondents to promote him from the Grade of scale-I Officers to scale-II Officers with effect from 2.2.1999. The impleaded respondents have come on record contesting the claim by filing a counter affidavit dated 20.8.2000 on 29.8.2000. As of now, it is submitted on behalf of the petitioner that in 2002, he was given a promotion, however, without retrospective effect and that he may be granted time to apply for leave to amend the writ petition to challenge the refusal to grant retrospective promotion. At this distance of time, after a lapse of nearly five years since the grant of promotion, I find no ground to let the petitioner seek amendment of the writ petition. That apart, an issue as to promotion cannot be permitted to agitate at this distance of time, particularly when the right of the petitioner as against the others in the higher grade already stands concluded. It may not be

permissible to have such issues reopened at this distance of time.

The writ petition fails. The same is accordingly dismissed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.8287 OF 1999

JUDGMENT

24TH JULY, 2007.

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